

DECLARATION, POWER OF ATTORNEY AND PETITION

As below named inventors, we hereby declare that: our residences, post office addresses and citizenship are as stated below next to our names; that we verily believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "BIPOLAR ELECTROSURGICAL INSTRUMENT FOR CUTTING, DESICCATING AND SEALING TISSUE", the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above-referenced specification including the claims as amended by any amendment specifically referred to in the Oath or Declaration.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
10/188,207	July 2, 2002	Pending

We hereby appoint NIKOLAI & MERSEREAU, P.A., a professional association, consisting of the following attorneys/agents and the following attorneys/agents individually: Thomas J. Nikolai, Registration No. 19,283, Charles G. Mersereau, Registration No. 26,205 and Steven E. Kahm, Registration No. 30,860 of 820 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402-3325; Telephone No. (612) 339-7461, our attorneys/agents with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all phone calls and correspondence to: Thomas J. Nikolai at NIKOLAI & MERSEREAU, P.A., 820 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402-3325.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


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